

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JERRY ALLEN MCMAHON,

Petitioner,

v.

STATE OF WISCONSIN,

Respondent.

ORDER

Case No. 16-cv-327-wmc

Petitioner Jerry Allen McMahon seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has submitted a motion for leave to proceed without prepayment of the filing fee, dkt. #2, and submitted an uncertified monthly inmate trust account statement covering the period from April 22, 2016 to May 6, 2016, to support this request. However, I cannot consider petitioner's motion, because the trust fund account statement petitioner submitted is insufficient to determine whether plaintiff qualifies for indigent status.

For this case to move forward, petitioner must either pay the \$5 filing fee or submit a certified inmate trust fund account statement (or institutional equivalent) for the *six-month* period immediately preceding the filing of this habeas corpus petition. If petitioner does not submit either the \$5 filing fee or a trust fund account statement before June 7, 2016, I will assume that petitioner wishes to withdraw this action voluntarily and will dismiss the petition without prejudice under Fed. R. Civ. P. 41(a).

ORDER

IT IS ORDERED that Petitioner Jerry Allen McMahon may have until June 7, 2016, to pay the \$5 filing fee or submit a certified trust fund account statement for the period

beginning approximately November 11, 2015 through the date of the petition, May 11, 2016. If by June 7, 2016, petitioner fails to respond to this order, I will assume that petitioner wishes to withdraw this action voluntarily and will dismiss the action without prejudice.

Entered this 20th day of May, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge